



MONTGOMERY COUNTY ETHICS COMMISSION

Rahul K. Goel
Chair

Susan Beard
Vice Chair

May 29, 2020

Waiver 20-05-007

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Elaine Byfield is a Social Worker III at Child Welfare Services (CWS) in the Children, Youth and Family Services (CYFS) Division at the Montgomery County Department of Health and Human Services (DHHS). She would like to engage in outside employment as a part-time Mobile Crisis Specialist with the Prince George's County office of Affiliated Sante Group (ASG). ASG is an entity which has contracts with DHHS.

As a Social Worker III with DHHS-CYFS, Ms. Byfield investigates allegations of child abuse/neglect by conducting risk and safety assessments of the child, family, and home, to make appropriate findings, and connect families with community resources. In her official capacity with Montgomery County, she works with children and families that reside in Montgomery County.

As a part-time Mobile Crisis Specialist with ASG in Prince George's County, Ms. Byfield is employed with their crisis response team. As a Mobile Crisis Specialist, she will work solely with residents of Prince George's County to provide them with crisis and mental health support/intervention via phone or in person (when necessary). The population she would serve in her proposed outside employment is comprised of Prince George's County residents requiring mental health, substance abuse or domestic violence services. Services are provided only to residents of Prince George's County at the ASG office where she proposes to work.

ASG is a large nonprofit organization that runs several smaller sub-entities. They have offices throughout Maryland – one of which is in Silver Spring, and another of which is in Prince George's County. Ms. Byfield will work in the Prince George's County office. ASG has four contracts with DHHS, all of which revolve around services provided to Montgomery County community members in crisis through the Silver Spring ASG office. The contracts between DHHS and ASG have nothing to do with the ASG office in Prince George's County, and funds for the Silver Spring ASG office are not shared with the Prince George's County office. In her role at DHHS, Ms. Byfield holds no contract monitoring or procurement responsibilities and is

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100 MARYLAND AVENUE, ROOM 204, ROCKVILLE, MARYLAND 20850
OFFICE: 240.777.6670 FAX: 240.777.6672

not involved in matters affecting ASG. At ASG, she will not work on matters related to DHHS contracts with ASG.

If, in the unlikely circumstance Ms. Byfield is presented with a crossover client in either of her roles, she will hand that case to a colleague to avoid any potential conflict of interest.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b). The Commission notes that while 19A-12(b)'s prohibition is waived, the other provisions of the ethics law are not, including those prohibiting an employee from working on official matters relating to the outside employer. The approval of this waiver is conditioned on the facts on which the waiver is based remaining unchanged. It is also conditioned on Ms. Byfield not making referrals as a County employee to ASG or soliciting other County employees to make such referrals.

In reaching this decision, the Commission has relied upon the facts as presented by Ms. Byfield.

For the Commission:

A handwritten signature in blue ink, appearing to read 'Rahul Goel', with a stylized flourish at the end.

Rahul Goel, Chair